

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DIGITAL MEDIA SOLUTIONS, LLC,	)	Case No. 1:19-cv-145
	)	
Plaintiff,	)	JUDGE DAN AARON POLSTER
	)	
v.	)	MAGISTRATE JUDGE
	)	THOMAS M. PARKER
SOUTH UNIVERSITY OF OHIO, LLC, <i>et al.</i>	)	
	)	<b><u>ORDER CONFIRMING HEARINGS</u></b>
Defendants.	)	<b><u>SCHEDULED for DECEMBER 3, 2019</u></b>
	)	

**The Court hereby CONFIRMS the hearings scheduled in the captioned case for December 3, 2019 at 9:00 a.m. in Courtroom 18B, as further explained below.**

**I. Joint Motion to Authorize the Sale of Shared Assets – [ECF Doc. 446](#).**

On November 6, 2019, Receiver Mark E. Dottore (“the receiver”) and Studio Enterprise Manager, LLC, (“Studio”) filed a joint motion to authorize the sale of shared assets free and clear of liens and to approve procedures regarding access to the DCEH data (“Motion to Authorize”). [ECF Doc. 446](#). Several objections to the joint motion were filed. [ECF Doc. 447](#), [ECF Doc. 467](#), [ECF Doc. 473](#) and [ECF Doc. 474](#).

The Court hereby ORDERS the receiver and Studio to confer with Infor(US), Inc. before the hearing scheduled for December 3, 2019 to attempt to resolve the issue raised in Infor(US), Inc.’s opposition. [ECF Doc. 473](#).

The Court CONFIRMS the hearing on the Motion to Authorize. Counsel and a representative for the receiver, Studio and Save the Art Institute of Las Vegas Limited must

attend the hearing in person. Nevada Commission on Postsecondary Education's request to attend by telephone is granted. Counsel and representatives for Nevada's Commission on Postsecondary Education, Infor(US), Inc., and the California Department of Consumer Affairs will all be permitted to attend by telephone. Instructions for attending the hearing by telephone will be separately e-mailed to counsel for those entities.

**II. Studio's Motion to Assume Certain Employee Benefit Obligations – ECF Doc. 449**

On November 9, 2019, Studio filed a motion for an order permitting South University and the Arts Institutes to assume certain employee benefit obligations ("Motion to Assume"). ECF Doc. 449. On November 20, 2019, Studio filed a supplement to its motion. ECF Doc. 466. On November 26, 2019, Receiver Mark Dottore ("the receiver") filed a response to Studio's motion joining and agreeing with the majority of the motion. ECF Doc. 477.

On November 20, 2019, Settlement Administrator Thomas Perrelli filed a statement of interest (ECF Doc. 464), which he later affirmed in a notice of intent filed on November 22<sup>nd</sup>. ECF Doc. 472. On November 25, 2019, Intervenor Emmanuel Dunagan, Jessica Muscari, Robert J. Infusino and Stephanie Porreca ("Dunagan Intervenor") also filed a notice of intent to oppose Studio's motion. ECF Doc. 475.


The Court CONFIRMS the hearing on Studio's Motion to Assume. The hearing on the Motion to Assume will immediately follow the hearing on the joint motion to approve. Counsel and representatives for the receiver, Studio, South University, the Arts Institutes International, LLC, and Thomas Perrelli must attend the hearing in person. Counsel and representatives for the Dunagan Intervenor will be permitted to attend by telephone. Instructions for attending the hearing by telephone will be separately e-mailed to counsel for the Dunagan Intervenor.

Studio's proposal to send notice to the affected individuals after the December 3<sup>rd</sup> hearing (ECF Doc. 476) is well taken. It will not be required to notify affected individuals until after the hearing on the Motion to Assume.

IT IS SO ORDERED.

Dated: November 26, 2019

s/Dan Aaron Polster  
United States District Judge

  
Thomas M. Parker  
United States Magistrate Judge